REMARKS

This amendment is responsive to the Office Action mailed March 21, 2005. In the Office Action, Claims 1-3, 8-10, 12-17, and 22-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Miller (U.S. Patent Publication No. 2002/0103822). Claims 4-5 and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Pugliese et al. (U.S. Patent Publication No. 2001/0044751). Claims 6-7, 11, 20-21, and 25-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Carey et al. (U.S. Patent Publication No. 2002/0112035). Applicant has carefully studied each of the cited references and the comments set forth in the Office Action, and submits that the claims pending in the present application are patentable over the cited art. Reconsideration of the claims and allowance of the application is requested.

Claim 1

Claim 1 was rejected as being completely disclosed, and therefore anticipated, by Miller. Applicant respectfully disagrees. A claim rejection based on anticipation requires that the cited reference disclose each and every element of the claim at issue. Applicant submits that Claim 1 recites subject matter that is not disclosed by Miller. Applicant has reviewed the Miller reference and finds no evidence of a method that includes "providing a user with a selection of audio content to accompany a shopping channel on an interactive video casting system," particularly where "the audio content to select from includ[es] audio content uploaded to the interactive video casting system by the user and stored therein." Claim 1 further recites that "the selection of audio content [is] made available via the shopping channel," the method additionally comprising "providing the selected audio content to the user." At best, Miller discloses a method and system for content providers, who are owners of enhanced objects, to use an agent server in order to download enhanced objects to a client machine. See, *e.g.*, the Abstract in Miller and paragraph [0038]. The portions of Miller cited in the Office Action (including paragraphs [0014] and [0041]-[0044]) do not disclose each and every element recited in Claim 1, nor does the

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remaining disclosure of Miller anticipate Clam 1. For at least this reason, Claim 1 is patentable over Miller and should be allowed.

Claims 2-11

Claims 2-11, which are dependent on Claim 1, are allowable for their dependence on allowable Claim 1, as well as for the additional subject matter recited therein. The citation of the Pugliese reference with respect to Claims 4-5 and the Carey reference with respect to Claims 6-7 and 11, do not cure the deficiency of disclosure in the Miller reference, nor does applicant agree that Pugliese and Carey disclose what is alleged in the Office Action. Carey's alleged disclosure of "interactive television" is limited to a simple list of technologies that can be used to allow people to receive and communicate information. See, *e.g.*, paragraph [0006] in Carey. For at least these reasons, Claims 2-11 are also believed patentable over the prior art and therefore should be allowed.

Claim 12

As with Claim 1, the Office Action contends that the Miller reference discloses each and every element of Claim 12. Applicant respectfully disagrees. Applicant has carefully reviewed the Miller reference and finds no disclosure that teaches or suggests a method in which a user is provided "with a selection of audio enhancements to accompany content on an interactive video casting system, the audio enhancements to select from including audio enhancements uploaded to the interactive video casting system by the user and stored therein," as recited in Claim 12.

Applicant again notes that the disclosure in Miller is directed to a method and system in which a content provider can use an agent server to download enhanced objects to a client machine. This does not teach or suggest the method recited in Claim 12. Accordingly, applicant respectfully submits that Claim 12 is patentable over Miller and therefore should be allowed.

Claims 13-24

Claims 13-24, which are dependent on Claim 12, are allowable for their dependence on allowable Claim 12, as well as for the additional subject matter recited therein. Applicant has

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reviewed the Miller reference, the Pugliese reference (with respect to Claims 18 and 19) and the Carey reference (with respect to Claims 20-21) and does not find disclosure that describes the combination of subject matter set forth in Claims 13-24, notwithstanding the citations made in the Office Action. Claims 13-24 should therefore be allowed.

Claims 25-27

Independent Claim 25 is directed to an apparatus that includes a network interface, a television interface, a storage medium, and a processor combined in a manner that is not taught or suggested by the combination of Miller and Carey, as alleged in the Office Action. The deficiencies of the Miller reference are noted above, and the Carey reference does not overcome these deficiencies. For example, with respect to Claim 27, applicant finds no evidence that the combination of Miller and Carey suggest "a television interface coupled to the network interface to allow selection of audio content to accompany content received from an interactive television network" and "a processor coupled to the storage medium to coordinate the user's audio preferences with the content received from the interactive television network by the network interface." For at least these reasons, Claim 25 is patentable over the prior art and should be allowed. Claims 26 and 27, which depend from allowable Claim 25, should also be allowed. For example, with respect to Claim 27, applicant finds no disclosure in either Miller or Carey suggesting "the network interface is capable to retrieve at least some audio information related to the preferences from the interactive television network via use of triggers embedded in the content received from the interactive television network." Allowance of Claims 25-27 is requested.

Claims 28-30

In the Office Action, Claims 26-33 were rejected *en masse* "for the reason given in the scope of earlier claims," referencing the disclosures of Miller and Carey. Specific to Claims 28-30, applicant disagrees that the claimed invention is described by Miller and Carey. In part, Claim 28 recites "a server capable of being coupled to the television network to provide

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access to audio enhancements, the server including a storage medium to store the audio enhancements, including audio enhancements uploaded to the storage medium by a user." Further, "the server [is] capable to provide the audio enhancements to the client terminal, based on user selection of at least one of the audio enhancements made from the content provided to the client terminal." Applicant respectfully submits that a system including a server as claimed in Claim 28 is not found, nor is it suggested, in the disclosures of Miller and Carey.

Furthermore, Claims 29 and 30 recite additional subject matter that is patentable over Miller and Carey. For example, Claim 29 further recites that the content includes "triggers embedded in the content provided to the client terminal and usable to retrieve the at least one audio enhancement in response to user selection of that audio enhancement." Absent a teaching or suggestion of the claimed invention in the Miller and Carey references, the rejection of Claims 28-30 should be withdrawn.

Claims 31-34

Lastly, Claim 31 is directed to a channel for an interactive video casting system. In part, the channel includes "a selection of audio enhancements to accompany the visual content, including a selection of audio enhancements that can be uploaded by a user and provided along with the visual content." Further, "at least one of the audio enhancements [is] capable of being provided via the channel in response to user selection of that audio enhancement." These elements of Claim 31, and also the elements recited in Claims 32-34, are not disclosed or suggested in the Miller and Carey references, either alone or in combination. Accordingly, Claims 32-34 are patentable over the prior art and should be allowed.

Amendments to the Claims

Applicant notes that minor amendments have been entered with respect to Claims 9, 11, and 25. These amendments do not narrow the scope of the claims and are provided only for purposes of clarity. These amendments are in no way intended to diminish the scope of the

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claims, nor indicate a relinquishing of subject matter encompassed by the claims or their equivalents.

CONCLUSION

Applicant respectfully submits that Claims 1-34 as presented above are allowable over the Miller, Pugliese, and Carey references. Reconsideration and allowance of the application at an early date is respectfully requested. Should any issues remain needing resolution prior to allowance, the Examiner is invited to contact applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: July 21, 2005

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